

# REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, September 20, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills to whom was referred

H. B. No. 23, A bill to be entitled  
"An Act validating, legalizing and ap-  
proving severally all the Acts of the  
Board of Regents of the University of  
Texas, the Board of Directors of the  
Agricultural and Mechanical College,  
the Board of Directors of the Texas  
Technological College, the Board of  
Regents of the State Teachers College,  
the Board of Regents of the College  
of Industrial Arts, and the Board of  
Directors of the College of Arts and  
Industries, in the authorization and  
issuance of bonds, notes or warrants  
heretofore issued or that have here-  
tofore been authorized but not yet is-  
sued, validating and approving the  
pledge of revenues to the payment of  
said bonds, and declaring an emer-  
gency."

Has carefully compared same and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, September 20, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills to whom was referred

H. B. No. 28, A bill to be entitled  
"An Act validating and approving all  
proceedings had by cities and towns  
in the issuance and sale of revenue  
obligations under the provisions of  
Articles 1111 to 1118, Revised Civil  
Statutes of 1925, as amended, to aid  
in financing any undertaking for which  
a loan or grant has been made by the  
United States through the Federal  
Emergency Administration of Public  
Works, or any other governmental  
agency, declaring that such bonds,  
notes or warrants shall be valid and  
binding special obligations of such  
cities or towns, and validating the  
said bonds, and declaring an emer-  
gency."

Has carefully compared same and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, September 20, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills to whom was referred

H. B. No. 29, A bill to be entitled  
"An Act validating and approving all  
Acts of the governing bodies of cities  
and towns of the State of Texas in the  
issuance and sale of bonds, to aid in  
financing any undertaking for which  
a loan or grant has been made by the  
United States through the Federal  
Emergency Administration of Public  
Works or other agency of the United  
States Government; etc., and declaring  
an emergency."

Has carefully compared same and  
finds it correctly engrossed.

HODGES, Chairman.

## SEVENTH DAY

(Tuesday, September 24, 1935)

The House met at 10:00 o'clock a.  
m., pursuant to adjournment, and was  
called to order by Speaker Stevenson.

The roll was called, and the follow-  
ing Members were present:

Mr. Speaker	Crossley
Adamson	Daniel
Adkins	Davis
Aikin	Davison of Fisher
Alexander	Davisson
Alsup	of Eastland
Ash	Dickison
Atchison	Dunagan
Beck	Dunlap of Hays
Bergman	Dunlap of Kleberg
Bourne	Duvall
Bradbury	Dwyer
Bradford	England
Broyles	Fain
Burton	Farmer
Butler of Brazos	Fisher
Butler of Karnes	Ford
Cagle	Fox
Caldwell	Frazer
Calvert	Fuchs
Canon	Gibson
Celaya	Glass
Clayton	Good
Collins	Graves
Colquitt	Gray
Colson	Greathouse
Cooper	Hankamer
Cowley	Hanna
Craddock	Hardin

Harris of Archer	Nicholson
Harris of Dallas	Olsen
Hartzog	Padgett
Head	Palmer
Herzik	Patterson
Hodges	Payne
Hofheinz	Petsch
Holland	Pope
Hoskins	Quinn
Howard	Reader
Huddleston	Reed of Bowie
Hunt	Reed of Dallas
Hunter	Riddle
Hyder	Roach of Angelina
Jackson	Roach of Hunt
James	Roane
Jefferson	Roark
Jones of Atascosa	Roberts
Jones of Falls	Rogers
Jones of Shelby	Russell
Jones of Wise	Rutta
Keefe	Scarborough
King	Sessions
Knetsch	Settle
Lange	Shofner
Lanning	Smith
Latham	Spears
Leath	Stanfield
Lemens	Steward
Leonard	Stinson
Lindsey	Stovall
Lucas	Tarwater
Luker	Tennyson
Mauritz	Thornton
McCalla	Tillery
McConnell	Venable
McFarland	Waggoner
McKee	Walker
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Morse	Young
Newton	Youngblood

Absent—Excused

Fitzwater      Lotief  
Hill

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, more and more we realize the magnitude of our duties in this session. So lead us that Thy will may be done in us, and the best interests of our State and our people may be advanced. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence:

Mr. Lotief for today on account of illness in his family, on motion of Mr. Bradbury.

Mr. Hill for today on account of important business, on motion of Mr. Dickison.

## RELATIVE TO SALARIES OF EMPLOYEES OF STATE ELEEMOSYNARY INSTITUTIONS

Mr. Morrison offered the following resolution:

H. C. R. No. 3, Relative to salaries of certain State employees.

Whereas, It has been brought to the attention of the Texas Legislature that the employees of the Texas State Eleemosynary Institutions did not receive any general increase in their salaries under the general Appropriation Bill passed during the Regular Session of the Forty fourth Legislature; and

Whereas, The State Departmental employees and the employees of the State Educational Institutions received an increase of from 2% to 5% over their salaries and compensation paid them for the past two years; and

Whereas, This is an unjust discrimination against the employees of the State Eleemosynary Institutions throughout the State of Texas; and

Whereas, Many of these employees in the Eleemosynary Institutions are heads of families and widows working to support their families and are receiving salaries as low as \$30 to \$35 per month; and

Whereas, The cost of many necessary food articles have increased in the State of Texas as much as 30% during the past two years; now, therefore, be it

Resolved by the House of Representatives, the Senate of Texas concurring, That the Appropriations Committee of the House of Representatives and the Senate Finance Committee of the Texas State Senate, be requested to adjust these discriminations and increase the compensations and salaries of the State Eleemosynary Institutions employees who receive \$50 per month or less at least 10% above their present compensation and salaries; that those who receive salaries from \$50 to \$75 per month be given an increase

in salaries and compensations of at least 5% above their present salaries and compensation; that those employees who receive a compensation from \$75 to \$100 per month be given an increase above their present salaries and compensations of at least 3% per month, in all cases where their salary and compensation was not increased by the Legislature during the Regular Session of the Forty-fourth Legislature.

MORRISON,  
GLASS,  
SPEARS,  
BRADBURY,  
READER,  
COLQUITT,  
PATTERSON,  
McFARLAND,  
WALKER,  
THORNTON,  
PAYNE,  
DICKISON.

The resolution was read second time.

Mr. Wells moved that the resolution be referred to the Committee on Appropriations.

Mr. Morrison moved to table the motion by Mr. Wells.

The motion to table was lost.

Question recurring on the motion by Mr. Wells, to refer the resolution to the Committee on Appropriations, it prevailed.

#### CONCERNING USE OF THE HALL OF THE HOUSE

Mr. McKee moved that the Hall of the House of Representatives be used tonight to receive the broadcast of the Max Baer-Joe Louis fight, for the benefit of those members desiring to hear same.

Question recurring on the motion by Mr. McKee, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—17

Bradbury	Jackson
Bradford	King
Caldwell	McCalla
Cowley	McKee
Dunagan	McKinney
Ford	Morse
Fuchs	Olsen
Good	Roberts
Head	

#### Nays—95

Adamson	Keefe
Aikin	Knetsch
Alexander	Lanning
Alsup	Lemens
Ash	Lindsey
Atchison	Lucas
Beck	Luker
Bourne	Mauritz
Broyles	McConnell
Burton	McFarland
Butler of Karnes	Moffett
Cagle	Moore
Calvert	Morris
Canon	Morrison
Collins	Newton
Colquitt	Padgett
Colson	Palmer
Cooper	Patterson
Craddock	Payne
Crossley	Pope
Davis	Quinn
Davison of Fisher	Reader
Davisson	Reed of Bowie
of Eastland	Reed of Dallas
Dickison	Roach of Angelina
Dunlap of Hays	Roach of Hunt
Dunlap of Kleberg	Roane
Fain	Roark
Farmer	Russell
Fox	Rutta
Frazer	Scarborough
Gibson	Sessions
Gray	Shofner
Greathouse	Smith
Hanna	Stinson
Hardin	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Hartzog	Thornton
Hodges	Tillery
Holland	Venable
Hoskins	Waggoner
Howard	Walker
Hunt	Westfall
Hunter	Wood of Harrison
James	Wood of Montague
Jones of Falls	Worley
Jones of Wise	Youngblood

#### Present—Not Voting

Clayton

#### Absent

Adkins	Fisher
Bergman	Glass
Butler of Brazos	Graves
Celaya	Hankamer
Daniel	Herzik
Duvall	Hofheinz
Dwyer	Huddleston
England	Hyder

Jefferson	Riddle
Jones of Atascosa	Rogers
Jones of Shelby	Settle
Lange	Spears
Latham	Stanfield
Leath	Steward
Leonard	Wells
Nicholson	Young
Petsch	

Absent—Excused

Fitzwater	Lotief
Hill	

## HOUSE BILL NO. 26 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third Legislature, by providing that warrants issued under subdivision (b) thereof shall be negotiable, and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works or other Federal agency, and further providing that all warrants heretofore issued under subdivision (b), shall be negotiable instruments, etc., and declaring an emergency."

The bill was read second time.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 26, Section 3, page 2, by striking out all of lines 17 to 20, both inclusive, and inserting in lieu thereof the following:

"Sec. 4. Any contract or agreement made and entered into by any such county under the authority and provisions of this Act shall be valid and in full force and effect for the period of time provided for in said contract and agreement made by such county."

HANKAMER,  
KNETSCH.

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 26 was then passed to engrossment.

## HOUSE BILL NO. 26 ON THIRD READING

Mr. Knetsch moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117

Adamson	Hoskins
Aikin	Howard
Alexander	Huddleston
Alsup	Hunt
Ash	Hunter
Atchison	Hyder
Beck	Jackson
Bergman	James
Bourne	Jones of Atascosa
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Knetsch
Caldwell	Lanning
Canon	Leath
Clayton	Lemens
Collins	Lindsey
Colquitt	Lucas
Colson	Luker
Cooper	McCalla
Cowley	McFarland
Craddock	McKee
Crossley	McKinney
Daniel	Moffett
Davis	Moore
Davisson	Morris
of Eastland	Morrison
Dickison	Morse
Dunlap of Hays	Newton
Dwyer	Nicholson
England	Olsen
Fain	Padgett
Farmer	Palmer
Fisher	Patterson
Ford	Payne
Fox	Pope
Frazer	Quinn
Fuchs	Reader
Gibson	Reed of Bowie
Good	Reed of Dallas
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Hanna	Roberts
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Hartzog	Sessions
Head	Settle
Herzik	Shofner
Hodges	Smith
Holland	Spears

Stanfield	Waggoner
Stinson	Walker
Stovall	Wells
Tarwater	Westfall
Tennyson	Wood of Harrison
Thornton	Wood of Montague
Tillery	Worley
Venable	Youngblood

Present—Not Voting

Cagle

Absent

Adkins	Jones of Falls
Butler of Brazos	Jones of Shelby
Butler of Karnes	Lange
Calvert	Latham
Celaya	Leonard
Davison of Fisher	Mauritz
Dunagan	McConnell
Dunlap of Kleberg	Petsch
Duvall	Riddle
Glass	Roane
Graves	Roark
Gray	Rogers
Hofheinz	Steward
Jefferson	Young

Absent—Excused

Fitzwater	Lotief
Hill	

The Speaker then laid House Bill No. 26 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Adamson	Craddock
Adkins	Crossley
Aikin	Daniel
Alexander	Davis
Alsup	Davisson
Ash	of Eastland
Atchison	Dickison
Beck	Dunlap of Hays
Bergman	Dunlap of Kleberg
Bourne	Dwyer
Bradbury	England
Bradford	Fain
Broyles	Farmer
Burton	Fisher
Butler of Karnes	Ford
Caldwell	Fox
Canon	Frazer
Clayton	Fuchs
Collins	Gibson
Colquitt	Glass
Colson	Good
Cooper	Greathouse
Cowley	Hankamer

Hanna	Nicholson
Hardin	Olsen
Harris of Archer	Padgett
Harris of Dallas	Palmer
Head	Patterson
Herzik	Payne
Hodges	Quinn
Holland	Reader
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Huddleston	Roach of Angelina
Hunt	Roach of Hunt
Hunter	Roane
Hyder	Roberts
Jackson	Russell
James	Rutta
Jefferson	Scarborough
Jones of Atascosa	Sessions
Jones of Falls	Settle
Jones of Wise	Shofner
Keefe	Smith
King	Spears
Knetsch	Stanfield
Lanning	Stinson
Leath	Stovall
Lemens	Tarwater
Lindsey	Tennyson
Lucas	Thornton
Luker	Tillery
McCalla	Venable
McFarland	Waggoner
McKee	Walker
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Morse	Young
Newton	Youngblood

Present—Not Voting

Cagle	Davison of Fisher
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Absent

Butler of Brazos	Latham
Calvert	Leonard
Celaya	Mauritz
Dunagan	McConnell
Duvall	Petsch
Graves	Pope
Gray	Riddle
Hartzog	Roark
Hofheinz	Rogers
Jones of Shelby	Steward
Lange	

Absent—Excused

Fitzwater	Lotief
Hill	

# TO GRANT A. G. HUTTON PERMISSION TO SUE THE STATE

Mr. Atchison offered the following resolution:

H. C. R. No. 4, To grant A. G. Hutton permission to sue the State.

Whereas, The State Highway Department has approved plans and specifications for the construction of an overpass over the tracks of the M. K. & T. Railroad on State Highway No. 5 in the City of Muenster, Texas, and is preparing to construct the same immediately in front of the adjoining property of A. G. Hutton of Cooke County, Texas, on which he is conducting a well established oil business; and

Whereas, The construction of such overpass will render the premises of the said A. G. Hutton and his business inaccessible to the public, and thereby greatly damage, if not wholly destroy the same; and

Whereas, The State Highway Department is prohibited under the Constitution and laws of this State from paying the said A. G. Hutton his damages; and

Whereas, The said A. G. Hutton is desirous of establishing his claim for damages against the State Highway Department and the State of Texas by reason of the acts aforesaid; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the State Highway Department be authorized, and it is hereby authorized, to settle the said A. G. Hutton's claim for damages by reason of the facts aforesaid; and be it further

Resolved, That if a settlement cannot be arrived at between the State Highway Department and the said A. G. Hutton, the said A. G. Hutton be, and he is hereby, granted permission to bring suit against the State, or said Highway Department, in a court of competent jurisdiction of Cooke County, in order to determine the compensation, if any, said Hutton is entitled to recover by reason of his said injuries, and that any compensation hereinafter determined to be owing the said A. G. Hutton shall be paid out of the State Highway funds; and be it further

Resolved, That service of all necessary process may be had upon the Highway Commission and the Attor-

ney General with the same force and effect as in civil cases.

The crowded condition of the calendar and the importance of the subject matter of this resolution create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that all bills be read on three separate days in each House, and said rule is hereby suspended and this resolution shall take effect from and after its passage, and it is so enacted.

The resolution was read second time, and was referred by the Speaker to the Committee on State Affairs.

# TO GRANT W. M. ROUSSEAU PERMISSION TO SUE THE STATE

Mr. Davis offered the following resolution:

H. C. R. No. 5, To grant W. M. Rousseau permission to sue the State.

Whereas, On or about the 29th day of January, A. D. 1934, W. M. Rousseau of Haskell, Haskell County, Texas, was an employee of the State Highway Department; and at the time referred to was working on the Rule-Haskell highway, both of said towns being in Haskell County, Texas; and

Whereas, The said W. M. Rousseau went to work in and returned to his home in a truck driven by an employee of the State Highway Department, and that on this particular day the driver of said truck, which was owned and operated by the State Highway Department, drove said truck into a sand bed which caused several workers, among them being the said W. M. Rousseau, to be thrown from said truck; and that by reason of said truck being driven into said sand bed and throwing him off of same he was injured as follows: his skull was fractured, causing hemorrhages from the interior of his head, and caused blood to run from his ears; that by reason of said injuries the said W. M. Rousseau was wholly unable to work for a period of six months; that he has sustained partial loss of his hearing, and partial loss of sight of his eyes; that said injuries are of a permanent nature; that his nervous system has been impaired greatly; and

Whereas, W. M. Rosseau, by reason of these said injuries, has incurred bills for doctors, sanitarium bills and

medical bills, and was unable to perform manual labor of any kind for a period of six months; now, therefore, be it

Resolved by the House of Representatives and the Senate of Texas concurring, That the said W. M. Rousseau be, and he hereby is, granted permission to bring suit against the State of Texas in a court of competent jurisdiction in Haskell County, Texas, to determine what compensation he is entitled to receive by reason of the injuries received while an employee of the State Highway Department, and that in case such suit be filed, service of citation or other necessary process may be had upon the Highway Commission and Attorney General with the same force and effect as is made and provided in a civil suit.

The resolution was read second time, and was referred by the Speaker to the Committee on State Affairs.

#### ADJOURNMENT

On motion of Mr. Lemens, the House at 10:55 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The Committee on Revenue and Taxation filed a favorable report on House Bills Nos. 18 and 33.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, September 23, 1935.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 25, A bill to be entitled "An Act providing that all bonds, notes or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration

of Public Works shall be negotiable instruments, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, September 23, 1935.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 27, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this state for public works projects."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

#### EIGHTH DAY

(Wednesday, September 25, 1935)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker	Collins
Adamson	Colquitt
Adkins	Colson
Aikin	Cooper
Alexander	Craddock
Alsup	Crossley
Ash	Daniel
Atchison	Davis
Beck	Davison of Fisher
Bergman	Davisson
Bourne	of Eastland
Bradbury	Dickison
Bradford	Dunagan
Broyles	Dunlap of Hays
Burton	Dunlap of Kleberg
Butler of Brazos	Duvall
Butler of Karnes	Dwyer
Cagle	England
Caldwell	Fain
Calvert	Farmer
Canon	Fisher
Celaya	Ford
Clayton	Fox